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TO THE NORTHEASTERN SECTION OF THE SUPREME COURT

Appellant Teltoft, Yaroslav Marianovich, citizen of the Polish People's Republic, residing at Harbin-Pristan, Pekarnaya Ulitsa, House No. 33, Apartment No 4.

In regard to: Action [?] of the Commercial-Industrial Department of the Harbin Control. Referring to the decision of the Harbin People's Court, No. 158 (Chinese character) "Fei," 1953.

Petition

I request that the decision of the Harbin People's Court in regard to the referred matter be set aside and that the request of the Commercial-Industrial Department of the Harbin Control to turn over to the Harbin Government machine shops located in Harbin belonging to the plaintiff be refused.

The People's Court of the city of Harbin found that the said machine shops belong to the Amerikanskaya Aktsienornaya O-vo (Co.) "GA Bashkirov and Company" "Khan Sin Yakhan" [Yakhan = Yang Hang = Foreign Firm] and that the appellant seemingly did not provide sufficient proof that at the present time he is the sole owner of the machine shops; that his statements about this are false; and that he is acquiring property by fraud.

This is not correct. Appellant presented to the court incontrovertible documents proving that these machine shops belong to him; the court did not study these documents and that is why it reached an incorrect decision. The truth of the matter is as follows:

A branch of the Amerik Akts O-vo GA Bashkirov and Company "Khan Sin Yakhan" was opened in Harbin in 1920 in which appellant was a shareholder. He was also the director of the Harbin branch. From 1923 until the day of liquidation of this company, three thousand automobiles were sold. In 1929 the affairs of Akts O-vo were so bad, because of losses on the stock market, that appellant was unable to recover moneys owed to him [by the firm] totaling Yuan 57,546.14, which accumulated as a result of his not receiving salaries and commissions as of 1 Jan 29 for sale of vehicles during 1927 and 1928, as well as percentage [interest for the use of his funds]. Evidence of the indebtedness of the firm is to be found in the files of the chief book of the Harbin branch of the firm showing the balance as of 1 Jan 29; the pertinent extract is annexed hereto [Exhibit 1].

In April 1934 appellant reached an agreement with Amer Akts O-vo GA Bashkirov and Company "Khan Sin Yakhan," which was then in process of liquidation, which agreement states that the machine shops of this company and the pertinent parts and materials were transferred to appellant's ownership to liquidate the debt of the Amer Akts O-vo. In other words, appellant obtained the machine shop's materials and parts for the sum of Yuan 57,546.14 and therefore became sole owner of this enterprise [Exhibit 2].

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In May 1934 appellant lodged in the local Polish Consulate one copy of the above-mentioned agreement and registered his enterprise under the name of "Bashkirov and Company" "Khin Sin Gunsi" [Gensi = Kung Ssu = Company] and then registered the same in the Harbin Polish Trade Pavilion [Exhibit 3].

On 5 Jan 35 appellant submitted a statement to the Harbin municipality with a request to register the firm as belonging to him, a Polish subject. With this request appellant submitted a copy of the agreement with the Amerik Akts O-vo GA Bashkirov and Company and received a receipt from the municipality [Exhibits 4 & 5].

On 1 Feb 35 in answer to his request a resolution was passed by the Municipality of Harbin, No 174, to the effect that his request had been considered and that the documents attesting to the fact that the firm had been transferred to his ownership were attached and that the municipality having verified the documents granted his request [Exhibit 6].

This resolution clearly states that the agreement made between appellant and Amerik Akts O-vo GA Bashkirov and Company, in process of liquidation, had been received by the municipality; that on the basis of this it recognized appellant's sole ownership of the firm Bashkirov and Company; and that the nationality of the company had become Polish. Obviously if the municipality had not had in its possession a copy of the agreement supplied by appellant it would have refused his request.

On the basis of the above-mentioned resolution of the municipality appellant registered with the Commercial-Industrial Department of the Control of the city of Harbin from which appellant received a Promislovoe Svidelstvo [/?Industrial Certificate?] for his firm "Bashkirov and Company"; in this certificate appellant was described as the most recent sole owner. In 1946 the Industrial Certificate was turned over to the Department of Control of Commercial-Industrial Enterprises in the city of Harbin, in return for which appellant received an industrial certificate registered 26 Mar 37, 35th year of the Chinese Republic, wherein appellant as before was described as the owner of the firm Bashkirov and Company [Exhibit 7].

Also following Resolution No 174 character "Izhe" of the Manchukuo Harbin municipality appellant was registered with the Poshlinnom [sic] Bureau in early 1935, a copy of which registration is annexed hereto [Exhibit 8].

Further, appellant's firm "Bashkirov and Company" was registered on 31 Mar 38 with the Harbin Uchastkovom [/?District?] Court and appellant was registered under No 137 [Exhibit 9].

In addition, the fact that appellant is the owner of the firm "Bashkirov and Company" in Harbin is shown in the following documents: Certificate of the Committee of Polish Citizens in Manchuria No 669/35 [Exhibit 10], Document of the Harbin Commercial-Industrial Pavilion, No 172 [Exhibit 11], Document of the Society of Polish Citizens in Manchuria No 300 [Exhibit 12], Certificate of the Polish Committee in Harbin, No 386 [Exhibit 13].

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Incidentally, the main equipment of appellant's machine shop "Khan Sin" "Bashkirov and Company" consists of 23 metal-working lathes; of these appellant acquired only two by agreement with the former Amerikanski Akts O-vo GA Bashkirov and Company. Thirteen lathes were acquired by appellant himself without the participation of anyone else. Of these, 10 were acquired by appellant after the machine shops passed into his ownership during the period 1935-1945, and eight were manufactured in his machine shops during the period 1942-1945. All this is evidenced in the documents and books of his firm.

In addition, during the period 1935-1945 inclusive, ie, during eleven years, in addition to the basic capital of the firm, appellant put into the firm Nat. Cur. \$309,174.99 which is evidenced by the main books of his firm "Khin Sin" "Bashkirov and Company" Exhibit 147.

The annexed documents and the books of account of appellant's enterprise for 18 years firmly prove that this enterprise, including the machine shops, belongs to appellant; this is true and factual.

Eight copies of annexes 1 to 8 inclusive are submitted herewith; copies of the rest of the documents which prove appellant's ownership will be furnished as soon as the originals are photographed and translated into the Chinese language.

Harbin.

Ya. Teltoft

29 October 1953.

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